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ACTION IO-16

INFO	LOG-00	AF-01	AID-01	ARA-01	BIB-01	CIAE-00	SMEC-00
	OASY-00	DODE-00	DOEE-00	EAP-01	EUR-01	OIGO-01	FBIE-00
	H-01	TEDE-00	INR-00	L-01	MCO-01	ADS-00	MOFM-04
	MOF-03	M-00	NEA-01	NRRC-00	NSAE-00	NSCE-00	OIC-02
	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01	SB-00
	SCT-03	SNP-00	SP-00	SSO-00	SS-00	TRSE-00	T-00
	USIA-00	SA-01	SNIS-00	NISC-02	PMB-00	PRME-01	DRL-09
	G-00	/060W					

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O 191634Z SEP 94  
FM AMEMBASSY MOSCOW  
TO USMISSION USUN NEW YORK IMMEDIATE  
SECSTATE WASHDC IMMEDIATE 0475  
INFO UN SECURITY COUNCIL COLLECTIVE  
USMISSION GENEVA  
AMEMBASSY THE HAGUE

C O N F I D E N T I A L MOSCOW 026935

E.O. 12356: DECL: OADR  
TAGS: PREL, UNGA, RW, RS  
SUBJECT: UN WAR CRIMES PROSECUTIONS FOR RWANDA

REF: A. STATE 251046  
B. MOSCOW 24407

1. C - ENTIRE TEXT.

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2. ON SEPTEMBER 19, WE APPROACHED BOTH THE RUSSIAN MFA  
LEGAL AND INTERNATIONAL ORGANIZATIONS DEPARTMENTS TO  
REVIEW THE USG'S ARGUMENTS IN SUPPORT OF EXPANDING THE  
EXISTING YUGOSLAV TRIBUNAL TO HANDLE RWANDA WAR CRIMES.  
AS IN OUR PREVIOUS CONVERSATION (REF A), MFA LEGAL  
DEPARTMENT DIVISION CHIEF KOLODKIN STUBBORNLY DEFENDED  
HIS DEPARTMENT'S POSITION THAT THE YUGOSLAV AND RWANDAN

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: ARCHIE M BOLSTER  
DATE/CASE ID: 18 MAR 2004 200303979

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TRIBUNALS MUST BE SEPARATE.

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POLOFF

UNDERScoreD TO BOTH INTERLOCUTORS THAT THE U.S. AND RUSSIA SHARED THE GOAL OF BEGINNING A WAR CRIMES TRIBUNAL PROCESS FOR RWANDA AS SOON AS POSSIBLE; WE SHOULD NOT LET SOME DIFFERENCES OVER MECHANISMS GET IN THE WAY OF URGENT ACTION AS SOON AS POSSIBLE AFTER THE INTERIM REPORT ON RWANDA IS PRESENTED TO THE UNSC, AND THAT THE USG'S POSITION IS MOST SUITED TO EXPEDITIOUS ACTION.

3. KOLODKIN'S MAIN ARGUMENT SEEMED TO BE THAT THE UNSC, INCLUDING THE USG, HAD STATED CATEGORICALLY AT THE TIME OF THE ESTABLISHMENT OF THE YUGOSLAV TRIBUNAL THAT THIS AD HOC BODY WOULD BE DEDICATED SPECIFICALLY TO THE YUGOSLAV CASE. NOW, KOLODKIN SAID, WE ARE CHANGING THAT ARGUMENT. POLOFF ASKED WHETHER KOLODKIN  
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THOUGHT THAT AN EXPANSION OF THE TRIBUNAL WOULD SOMEHOW NEGATIVELY AFFECT THE YUGOSLAV PROCESS. KOLODKIN WAS UNCLEAR ON THIS POINT. WE ASKED KOLODKIN TO CLARIFY PRECISELY THE LEGAL DEPARTMENT'S CONCERNS ON THIS ISSUE--WERE THEY POLICY-RELATED OR WERE THEY SIMPLY PROCEDURAL. AGAIN, KOLODKIN RETURNED TO NEED TO THE RETAIN THE YUGOSLAV TRIBUNAL SPECIFICALLY FOR YUGOSLAVIA.

4. POLOFF DREW KOLODKIN'S ATTENTION TO THE USG'S POINT THAT IT WOULD BE USEFUL TO AVOID A SITUATION IN WHICH THE TWO AD HOC TRIBUNALS ISSUED LEGAL INTERPRETATIONS THAT MIGHT BE AT CROSS-PURPOSES WITH ONE ANOTHER. KOLODKIN WAS UNCONVINCED BY THIS ARGUMENT, SAYING THAT IT WAS NORMAL THAT ANY TWO ATTORNEYS OR COURTS MIGHT HAVE DIFFERING INTERPRETATIONS OF THE SAME LAW OR BODIES OF LAW.

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